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CSCE DIGEST

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A CHANGING SOVIET SOCIETY

Gorbachev's reform program now seems to be directed at almost every aspect of Soviet foreign and domestic policy. In Soviet foreign policy, "new thinking" has already led to the withdrawal of Soviet troops from Afghanistan, as well as numerous arms control initiatives in Europe. In Soviet domestic policy, Gorbachev's policy of glasnost *or "making public" has transformed Soviet culture, the media and Soviet public discourse.* Perestroika *or "restructuring" of Soviet domestic institutions and processes, however, has proven to be a much more difficult and long-range process.*

On May 17 the Commission took testimony from three prominent Soviet experts regarding Soviet domestic politics, law, and social trends. Dr. Simes discussed recent dramatic political developments, such as the March 26 elections and Gorbachev's recent Central Committee purge, as part of a broader assessment of Soviet political life. Dr. Feshbach described some disturbing social indices, such as deficient public health services and an inadequate educational system, which could have major long-term consequences for Soviet society. Dr. Shelley delineated recent developments in legal reform and discussed if and how they represent the institutionalization of human rights reforms.

DR. LOUISE SHELLEY

Department of Justice, Law and Society The American University

On some of the major legal changes that have occurred in different areas and the prospects for fundamental reform.

JUSTICE REFORM

The improvements in the administration of justice have not occurred as a result of fundamental legal reform. Rather the improvements are a result of *glasnost* and a diminution of Party pressure on the legal apparatus. The press is providing a check on the misconduct of the justice apparatus. The number of acquittals has multiplied but even now they occur only in approximately 1% of all criminal cases. The Deputy Procurator General of the Ukraine reported that 15% of cases are presently dropped at the investigative stage, a 50% increase over the past. Furthermore, procurators report that there has been a significant growth in the number of cases appealed and in the percent of cases overturned by the higher courts. The percentage of sentenced offenders sent to labor camp has declined from 60% to 30%, causing a significant decline in the labor camp population.

Further improvements in the administration of justice require more fundamental reform. But the legal reforms that are proposed do not appear to have a sufficient system of checks and balances by which to ensure greater compliance with the law. The dependence on glasnost to achieve the *pravovoe gosudarstvo* (rule of law) means that a less vigilant press would readily permit greater abuses of individual rights. The present process is thus easily reversible.

SOCIAL CONTROL and NATIONALITIES

Much of nationalist sentiment is still controlled by tight legal controls. Although the small Baltic states are permitted more autonomy, Armenia and Azerbaidzhan are militarized. The mass repression of Georgian demonstrators is an example of the efforts that some officials will make to control nationalist sentiment. The Ukraine continues to be under very strict controls, the KGB being used to restrict contacts with unofficial individuals and arbitrary arrests being made of dissidents. As one Soviet official commented in private, "Human rights stop 100 kilometers from Moscow."

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The leaders of the Nagorno-Karabakh committee that were pushing for democratization as well as the region's unification with Armenia have been arrested. Eleven members have been detained since December and January but no public announcement has yet been made of the charges. Both the KGB and the procuracy are investigating the case and in accordance with Soviet law, the accused have not had access to counsel.

RELIGIOUS RIGHTS

Religious rights have been augmented in practice for certain groups. A heated debate is going on behind the scenes concerning the draft of a new law on freedom of conscience. A more liberal version that would give greater rights to instruct children in religion and greater economic rights to churches was first sent to the Council of Ministers by the Institute of State and Law in 1987. This law has gotten nowhere through official channels. After a lengthy struggle, the draft and a commentary on it appeared in the February 1989 volume of the Soviet Journal *Sovetskow Gosudarstvo i Pravo* (Soviet State and Law). Those pressing for greater religious rights hope that the publication of this more liberal draft will make it more difficult to subsequently issue the more restrictive law that is presently being circulated within the Council of Ministers. The draft law on religion currently under consideration by the Supreme Soviet limits more than do alternative drafts the right to religious instruction and the economic rights of church groups.

Certain improvements in the practice of religion may be noted. Many religious groups that were not officially recognized previously are now permitted to register. This includes the Hare Krishna. Churches in some areas have been restored and given back to congregations. Church groups are permitted to contract with laborers to restore churches. The charity movement affiliated with religious groups is presently untouched and even encouraged by Soviet authorities.

Yet various religious freedoms are still lacking. These include the freedom of religious propaganda, provision of religious education in private homes, the construction of churches and the possibility of electing religious personnel to the Supreme Soviet.

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Certain reformers believe these changes may be made. Yet it is unlikely that the state will allow the establishment of religious schools for children.

FREEDOM of MOVEMENT

The freedom to move internally and externally are still major human rights problems within the Soviet Union. The Soviet press and scholars acknowledge that the existence of the internal passport and registration system that restricts freedom of travel and settlement within the USSR is a violation of human rights, particularly of the Helsinki agreements. Many of the regulations governing this system are currently unpublished. Certain members of the Soviet legal community suggest that within a year the secret regulations governing the internal passport will be either abolished or published. Yet others are not optimistic on their publication. Although the existence of the internal passport has even been denounced in *Pravda* as a violation of human rights, few think its abolition is a realistic option because of the economic utility of the internal passport system to the planned economy.

"It appears that international attention has created these special conditions for Jews and other minorities rather than a new legal perspective on the right to emigrate."

Many more Soviet citizens are being permitted to travel abroad on visits. Restrictions on travel to socialist societies have been eased considerably. But travel cannot be initiated by the traveler as an individual still must obtain an invitation from abroad for either a private or a business trip. There are a very limited number of citizens with permanent entry and exit visas to conduct business abroad.

The situation on emigration for the majority of Soviet citizens looks unchanged. Jews, Armenians and Ethnic Germans are the only groups that are seen as having a right to emigrate. There has been a significant increase in their emigration figures. In meetings with Reshetov, a leading human rights official in the foreign ministry, I was told that they are presently considering the elimination of the distinction between applying for emigration either to the United States or Israel. Only 1.5% of Jews applying to emigrate are being turned down because of past secret work. Yet it appears that international attention has created these special conditions for Jews and other minorities rather than a new legal perspective on the right to emigrate.

DR. DIMITRI SIMES

Senior Associate at the Carnegie Endowment for International Peace and Director of the Project on U.S.-Soviet Relations

POLITICAL DEVELOPMENTS

Let me make five points very briefly about change in the Soviet Union. I think that what we are witnessing today is a profound change of historical proportions.

I used to say always that it was potentially a change of historical proportions. Now I am prepared to drop this qualifier and to say it is already change of historical proportions. I also believe that what has happened is so important and goes so far, that even the departure of Mr. Gorbachev would not stop this great Soviet transition. Don't misunderstand me. First of all, I'm not predicting that Gorbachev would have to depart, and, secondly, I don't think that his departure would be entirely relevant. What I am trying to suggest, however, is that what we see today in the Soviet Union has sufficient underpinnings, has sufficient psychological element, has sufficient new political infrastructure to outlive any particular individual.

Secondly, what particularly impresses me about this change, I have to say, is how moderate and responsible both senior officials around Gorbachev and Soviet masses have proven to be. Many Sovietologists, myself included, were somewhat concerned about ordinary Russians with a lack of democratic experience, and characterized by intolerance, xenophobia, and anti-Semitism. How would they start acting, particularly in the context of economic stringency if controls are relaxed?

Well, now we know how they are acting. During the last election, fifteen candidates were supported by Pamyat, this notorious anti-Semitic group. All 15 have lost. In two cases they lost to Jews. These people were elected by ordinary, simple Russians. And you can see that the people, the intellectuals and officials are genuinely interested in having some kind of a dialogue and some attempt to understand each other. You know it's quite different, for instance, from Poland and Czechoslovakia where there is a tremendous temptation to ask what you were doing under the old regime? What crimes, what sins were you responsible for. Now I think there is a temptation to act together, to become a part of the same process of change. Why is it possible? In my view it is possible because Mr. Gorbachev began his revolution from above, before it became absolutely necessary.

What I'm trying to suggest is that in terms of public perceptions he is not surrendering to pressure. It is not too little too late. Many people have very serious complaints about the General Secretary, and quite a few of these complaints are entirely justified. But most people believe that he wants to turn things around. For that, Gorbachev gets credit. And that credit, that clear credibility of the central government, allows it to give this political revolution certain structure and create this element of tolerance, which I find very important, and without which, of course, you cannot change the multi-national empire.

"What has happened is so important and goes so far, that even the departure of Mr. Gorbachev would not stop this great Soviet transition."

Point number three is that despite all the optimistic changes, we have to appreciate that there is a great deal of experimentation going on in the Soviet Union. It's not as if the General Secretary has a clear-cut strategy, that he knows exactly what he wants to do. So it seems to me that what you witness today in the Soviet Union is a process of trial and error...of Gorbachev growing on the job. People around him are very often changing their minds about things, and accordingly we should not assume that there is a wonderful clear-cut design. And if, for instance, they take a step back it is a matter of tactics. Very often they simply do not know what they are doing.

My point number four is that if you want to understand what is happening today in the Soviet Union you cannot focus any more strictly on Gorbachev's intentions, or on the intentions of people around him. You have to look at new political forces in the Soviet Union. You have to look, as you mentioned, Mr. Chairman, at the national movements in the Baltic Republics. You have to move on to the new intellectual forces around Andre Sakharov--who are going to play a major role in the new Supreme Soviet. You have to look at populists like Boris Yetsin. This chemistry is changing all the time. At this point, as I am trying to suggest, it looks rather positive. But I do not know.

I'm not sure that Gorbachev will understand that he has to make the choice between maintaining a monopoly on power, and having a genuine democratic process where people would feel that they should display initiative...that they are masters of their own destiny. You know what Gorbachev has been doing up to now: he has very generously and very skillfully allowed

people to be on a much longer leash. But I think that they are approaching a moment when people will start demanding to destroy this leash altogether.

"I am also convinced that like many serious statesmen, he (Gorbachev) has a ruthless side to him, and this ruthless side is quite important in dealing with those whose agenda differs from his."

And my final point, Mr. Chairman, is that the change in the Soviet Union is already irreversible. By that I mean that what Gorbachev accomplished was to destroy Soviet pretense, Soviet institutions, the power of ideology and the power of bureaucratic political controls. They simply cannot go back to Stalinism, or it's more moderate version, Brezhnevism. That much is assured. There is a considerable ambivalence in the General Secretary's own mind. If they have to proceed with repression, the repression will be based more on a cruel authoritarian regime rather than a traditional communist totalitarian regime. I don't think that such a regime would be necessarily any more pleasant, or more respectful of human rights. But it would be less comprehensive in terms of controls and I am positive that in the long run it is not going to be sustainable.

GORBACHEV

I'm not aware of any evidence that would suggest that he's anything but a liberal, civilized Marxist-Leninist in search of a definition of what liberal Marxist-Leninism should be. I suspect that if you ask him what exactly his system of belief is, it would be easier for him to give you a label, but it would be very difficult for him to give you a specific answer. I want only to say, and this is not to criticize Mr. Gorbachev, but to make an observation, that this man is a product of the Soviet party system. He was promoted by people like Mikhail Suslov, by people like Constantin Chernenko, by people like Leonard Brezhnev and certainly Yuri Andropov. If he was not on good terms with the KGB, if he was not perceived as an ideologue, if he had ever revealed his liberal, broad-minded side, he, of course, would not be there today. Now, I'm sure that he changes his views on many issues. Now I am also sure that he was a man of incredible discipline and that he knew how to hide some of his feelings. But I am also convinced that like many serious statesmen, he [Gorbachev] has a ruthless side to him, and this ruthless side is quite important in dealing with those whose agenda differs from his.

DR. MURRAY FESHBACH

Served as Chief of the U.S.S.R. Population, Employment and Research and Development Branch of the Foreign Demographic Analysis Division of the U.S. Bureau of the Census and currently is Research Professor at Georgetown University

Social issues, as you well know, have long been neglected in the Soviet Union. As Gorbachev has clearly said, they now have to address these issues to make up for all those years in which there was almost total neglect of the social side of the equation. This included the area of health as well as the areas of education and housing.

One of the major underpinnings of *perestroika* is to have productivity increased dramatically to get much more yield per worker. But to make the worker work better he and she have to be sober on the job, before arriving on the job and after work. So the very first published decree issued under Gorbachev when he took over in the Spring of '85, was the anti-alcoholism decree. This infamous decree, if you wish, has created other kinds of spin-off problems in terms of social costs of an empire. For example, all the sugar that Cuba has been paying them is now being used to make Samogon, (home brew) and this while there are shortages of sugar, in fact there's a rationing of sugar in the country. People are also drinking alcohol surrogates. This includes not just the usual kind of industrial alcohol, or jet fuel, but perfume and shoe polish. There is a shortage of toothpaste in the country because they've squeezed the liquid out of it to drink that god-awful-stuff. The point is that the Minister of Interior, in the spirit of *glasnost*, in fact, has told us that more than 10,000 people died in 1987, and more than 11,000 in '88 from drinking these alcohol surrogates.

The cost of the anti-alcoholism drive has been, of course, a cutback in revenues to the state from earnings from the official sale of alcohol. Given the existing monopoly on the sale of alcohol the revenue side is also very important, and shall we say, creates ambivalence as to whether you want to pursue that or you want to change the health condition of the population.

In fact, in the Soviet Union and the United States per capita consumption of alcohol is not that very different. The difference is in the structure and the style of drinking. There is much more hard liquor drunk in the Soviet Union and much more wine and beer here. But there's also a question of chugga-lugging vodka one right after another. And that makes a big difference in one's health.

"The Minister of the Interior, in the spirit of glasnost in fact, has told us that more than 10,000 people died in 1987, and more than 11,000 in '88 from drinking alcohol surrogates."

For a long time they didn't concern themselves with health issues until, if you wish, two years after Gorbachev came into the office. And in January of '87, give or take one month, they fired the entire medical establishment in the Soviet Union. They fired the Minister of Health, two Deputy Ministers, and the head of the maternal and child health care administration. They reviewed the qualifications of 350,000 of the million physicians, so called, of which they fired 1,000 immediately and gave 10% more temporary certificates. They fired the president of the Academy of Medical Sciences and changed the entire medical curriculum for training physicians. For example, the current minister Chavlov, a very renowned cardiologist, co-Nobel laureate with Bernard Lown, said that "40% of brand new medical school graduates in the Soviet Union cannot read a cardiogram. That's not an idle issue. If you can't read a cardiogram, then you have other problems."

There are levels of illness in the Soviet Union, the likes of which we wouldn't tolerate in this country. These levels of diphtheria, of hepatitis, typhoid, measles, mumps, which are very serious illnesses when you get into very large numbers, have affected both the civilian and military populations in the Soviet Union. So much so that they've had to address the issues in a way they never did, and allocate resources. Diphtheria in the United States is zero; maybe one, two, or three cases. In the Soviet Union there are 1,100 to 1,500 and I believe very sharply undercounted. Hepatitis in the United States numbers about 56,000 cases; in the Soviet Union you can figure it's 800,000 to 900,000 with a population that is only 15% larger. There are about 100 to 300 cases of typhoid in the United States, mostly based on the number of carriers. The Soviet figure is 10,000 to 19,000 - depending upon the year you take in the recent past. There are 50 million people living in 102 cities in the Soviet Union where the Soviet-defined maximum permissible pollution level is exceeded by 10 or more times. And in some cities the permissible pollution level is exceeded by 300 or more times, where people wear masks and where infant mortality is high.

That was, in fact, the final trigger for Nagorno-Karabakh. When the Ministry of Non-ferrous Metallurgy wanted to extend an aluminum plant in Yerevan, which had a bad record with environmental pollution, the Armenians said No, we don't want it. The Azerbajanians said, Oh well, we'll take it, but low and behold we're going to put it in the Armenian enclave in Nagorno-Karabakh. Now this was the last trigger for many other complaints and problems Armenians had on language, education, and about economic resources.

THE REACTION OF THE SOVIET PEOPLE

I think many were aware of the local dimension of the problems, but not necessarily the national dimension.

They certainly knew about the problems of health delivery but again, they didn't know, I think, the fact that, for example, in the United States we performed about 140,000 by-pass heart surgeries, but in the Soviet Union they perform 800.

NOTICE

The quotes contained herein were taken from the transcript of the Commission hearing on May 17, 1989. They have been abridged by the Commission staff for purposes of clarity in this publication.

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